

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**DROPLETS, INC.,**

**Plaintiff,**

**v.**

**OVERSTOCK.COM, INC.,  
SEARS ROEBUCK & CO.,  
SEARS BRANDS LLC,  
SEARS HOLDINGS CORPORATION,**

**Defendants.**

**Civil Action No. 2:11-cv-401**

**JURY TRIAL**

**JOINT SUBMISSION OF AMENDED JURY MATERIALS**

Pursuant to Dkt. 345, Plaintiff Droplets, Inc. (“Droplets”) and Defendants Overstock.com, Inc. (“Overstock”), Sears Roebuck & Co., Sears Brands LLC, Sears Holdings Corporation (collectively “Sears”) (“Defendants”) hereby submit the following amended jury materials:

Attached as **Exhibit A** hereto is Droplets’ and Defendants’ Joint Proposed Final Jury Instructions, with bracketed and highlighted individual proposals and footnoted objections and comments.

Attached as **Exhibit B** is Droplets’ and Defendants’ Joint Proposed Preliminary Jury Instructions, with bracketed and highlighted individual proposals and footnoted objections and comments.

Attached as **Exhibit C** hereto is Droplets’ and Defendants’ Joint Proposed Verdict Form, with bracketed and highlighted individual proposals and footnoted objections and comments.

The parties reserve the right to amend, supplement, or modify these proposed jury materials as the case proceeds toward the final pretrial conference and trial, and as the parties continue to meet and confer regarding these materials in an attempt to further remove disputed issues. Additionally, the parties do not waive any objections to issues that are the subject of pending or anticipated motions. Further, by submitting these proposed jury materials, the parties do not waive their rights to object to the submission or form of any questions ultimately submitted to the jury.

Dated: January 11, 2015.

**McKool Smith, P.C.**

/s/ Joshua W. Budwin

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CORPORATION**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on January 11, 2015.

/s/ Jennifer Albert

Jennifer Albert

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